

FORTY-FIFTH LEGISLATIVE DAY

The House met at 1:00 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Wayne Coats, Minister, Church of Christ, Mt. Juliet, Tennessee.

Representative Bell led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 94

Representatives present were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Miller, Moore, Murphy (Davidson), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Steinhauer, Sterling, Tanner, Turner, Wallace, Watson, Webb, Williams, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 94.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.

132 — Relative to adjournment, Senate and House;

133 — Relative to joint convention, budget address, Governor Blanton;

134 — Relative to joint convention, State of the State address;

137 — Relative to recess, Ninetieth General Assembly; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

CALENDAR

House Bill No. 688 — To permit in-state tuition, Dyersburg State Community College.

Mr. Lanier moved that House Bill No. 688 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

House Bill No. 285 — To make provisions, admission to Austin Peay State University.

Mr. Pickering moved that House Bill No. 285 be placed on the Calendar for Wednesday, February 1, 1978, which motion prevailed.

Mr. Phillips moved that House Bill No. 1069 be placed on the Calendar for Wednesday, January 25, 1978, which motion prevailed.

Representative Martin was recorded as being present in the Chamber.

Representative Starnes was recorded as being present in the Chamber.

House Bill No. 1153 — To provide requirements, cosmetology instruction.

On motion, House Bill No. 1153 was made to conform with Senate Bill No. 842.

On motion, Senate Bill No. 842, on same subject, was substituted for House Bill No. 1153.

Mr. Davidson (Wayne) moved that Senate Bill No. 842 be passed on third and final reading.

Mr. Davidson (Wayne) moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 842 by changing the period at the end of the word cosmetology to a comma and adding the following in line six of the amendatory language:

, provided however this restriction shall not apply to any public educational institution.

On motion, the amendment was adopted.

Mr. Davidson (Wayne) moved that Senate Bill No. 842 be placed on the Calendar for Wednesday, January 18, 1978, which motion prevailed.

Mr. Ford (Shelby) moved that House Bill No. 1001 be placed on the Calendar for Wednesday, February 8, 1978, which motion prevailed.

Ms. DeBerry moved that House Bill No. 618 be placed on the Calendar for Monday, January 16, 1978, which motion prevailed.

On motion of Mr. Spence, House Bill No. 689 was withdrawn from the House.

Mr. Robinson (Hamilton) moved that House Bill No. 952 be placed on the Calendar for Wednesday, February 15, 1978, which motion prevailed.

Mr. Robinson (Hamilton) moved that House Bill No. 953 be placed on the Calendar for Wednesday, February 15, 1978, which motion prevailed.

Mr. Spence moved that House Bill No. 566 be placed on the Calendar for Wednesday, January 25, 1978, which motion prevailed.

Mr. Burnett (Fentress) moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 133, which motion prevailed.

Senate Joint Resolution No. 133 — Relative to Joint Convention, Budget Address, Governor Blanton.

Mr. Burnett (Fentress) moved that Senate Joint Resolution No. 133 be concurred in, which motion prevailed.

A motion to reconsider was tabled.

Mr. Burnett (Fentress) moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 134, which motion prevailed.

Senate Joint Resolution No. 134 — Relative to Joint Convention, State of the State address.

Mr. Burnett (Fentress) moved that Senate Joint Resolution No. 134 be concurred in, which motion prevailed.

A motion to reconsider was tabled.

Mr. Burnett (Fentress) moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 132, which motion prevailed.

Senate Joint Resolution No. 132 — Relative to adjournment, Senate and House.

Mr. Burnett (Fentress) moved that Senate Joint Resolution No. 132 be concurred in, which motion prevailed.

A motion to reconsider was tabled.

MOTION FILED UNDER RULE NO. 42

MR. SPEAKER:

Pursuant to House Rule No. 42, I hereby move that my name be added as a sponsor of House Bill No. 1543, of which Representative "Bill" W.C. Carter is the prime sponsor.

BOBBY WOOD

The undersigned, being the prime sponsor of House Bill No. 1543, agrees to permit the above Representative to become an additional sponsor of said bill.

BILL CARTER

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.

793 — To amend certain sections relating to mentally ill and retarded persons.

The Senate refused to recede from its action in nonconcurring in House Amendments Nos. 1, 4 and 6.

The Speaker appointed a Conference Committee composed of Senators O'Brien, Byrd and Person to confer with a like Committee from the House in resolving the differences of the two bodies on Senate Bill No. 793.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Mr. Gill moved that the Speaker appoint a Conference Committee of three members to meet with a like committee from the Senate to resolve the differences between the two bodies on Senate Bill No. 793, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed Representatives Gill, Rhinehart and Smith as the House Conference Committee on Senate Bill No. 793.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.

796 — To amend certain sections relating to Mental Health Law.

The Senate refused to recede from its action in nonconcurring in House Amendment No. 1.

The Speaker appointed a Conference Committee composed of Senators O'Brien, Byrd and Person to confer with a like Committee from the House in resolving the differences of the two bodies on Senate Bill No. 796.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Mr. Gill moved that the Speaker appoint a Conference Committee of three members to meet with a like committee from the Senate to resolve the differences between the two bodies on Senate Bill No. 796, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed Representatives Gill, Rhinehart and Smith as the House Conference Committee on Senate Bill No. 796.

MOTIONS

On motion of Mr. Ozment, House Bill No. 33 was recalled from the Committee on Finance, Ways and Means.

On motion of Mr. Ozment, House Bill No. 33 was withdrawn from the House.

On motion of Mr. Ozment, House Bill No. 34 was recalled from the Committee on Finance, Ways and Means.

On motion of Mr. Ozment, House Bill No. 34 was withdrawn from the House.

On motion of Mr. Lashlee, House Bill No. 363 was recalled from the Committee on Conservation and Environment.

On motion of Mr. Lashlee, House Bill No. 363 was withdrawn from the House.

On motion of Mr. Lashlee, House Bill No. 1377 was recalled from the Committee on Education.

On motion of Mr. Lashlee, House Bill No. 1377 was withdrawn from the House.

COMMITTEE APPOINTMENT

The Speaker announced that Representative Stallings had been removed from the Committee on Agriculture and appointed to the Committee on Education.

ANNOUNCEMENT

Mr. Robinson (Davidson) announced that the Transportation Committee will meet on 10:00 Tuesday, January 17, 1978.

SECOND ROLL CALL

A roll call was taken with the following results:

Present 97

Representatives present were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burka, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Sterling, Tanner, Turner, Wallace, Watson, Webb, Williams, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 97.

INTRODUCTION OF RESOLUTIONS

House Joint Resolution No. 266 — Relative to honoring Dr. F.E. McConnell — By Murphy (Davidson).

Under the rules, House Joint Resolution No. 266 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 267 — Relative to honoring Clarence E. Hamler — By Davis, Robinson (Hamilton), Starnes, Wood, McAfee, Carter and Copeland.

Under the rules, House Joint Resolution No. 267 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 268 — Relative to honoring Eugene Turner — By Davis, Starnes, McAfee, Wood, Copeland, Carter and Robinson (Hamilton).

Under the Rules House Joint Resolution No. 268 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 269 — Relative to 761st Tank Battalion to recieve Presidential Unit Citation — By Davis, Starnes, Robinson (Hamilton) and Wood.

Under the rules, House Joint Resolution No. 269 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 271 — Relative to urging Governor not to grant clemency, Roger Humphreys — By Good, Robinson (Washington), Robertson, Ford (Cocke), Richards, Shockley, Wood, Copeland, Carter, McAfee, Henry, Atchley, Smith, Scruggs, Stafford, Lanier, Murray (Madison), Naifeh, Burleson, Bewley, Davidson (Wayne), Buck, Fuqua, Longley, Jensen, Hall and Sterling.

Under the rules House Joint Resolution No. 271 was referred to the Committee on Calendar and Rules.

INTRODUCTION OF BILLS

House Bill No. 1549 — To increase electrical inspection fees — By Lashlee.

Passed first reading.

House Bill No. 1550 — To make certain provisions, sales tax on water — By Murphy (Davidson).

Passed first reading.

House Bill No. 1551 — To make certain provisions financial disclosure, fiduciary institutions — By Murphy (Davidson).

Passed first reading.

House Bill No. 1552 — To make provisions, special plates for certain businesses — By Murphy (Davidson).

Passed first reading.

House Bill No. 1553 — To increase salary, Maury County Attorney — By Richardson and Young.

Passed first reading.

House Bill No. 1554 — To make certain provisions, elector qualifications, Huntingdon, Tennessee — By Lashlee and Butler.

Passed first reading.

House Bill No. 1555 — To amend Section 49-3904, Code — By Darnell, Davidson (Robertson) and Pickering.

Passed first reading.

House Bill No. 1556 — To require annexation referendum, certain circumstances — By Scruggs, Richards, Hall, Robertson, Jensen and Smith.

Passed first reading.

House Bill No. 1557 — To make certain provisions, annexation — By Scruggs, Henry, Robinson (Washington) and Smith.

Passed first reading.

WEDNESDAY, JANUARY 11, 1978 — 45TH LEGISLATIVE DAY

House Bill No. 1558 — To require elections and reapportionment, certain circumstances — By Scruggs, Henry, Hall, Richards, Smith, Jensen and Robinson (Washington).

Passed first reading.

House Bill No. 1559 — To make certain provisions, medical assistance benefits — By Gill, Naifeh, Burnett (Fentress), Davidson (Robertson), DeBerry, Fugua, Lashlee, Ellis, Murray (Madison) and Ashford.

Passed first reading.

House Bill No. 1560 — To enact standard Nonforfeiture Law, Individual Deferred Annuities — By DeBerry and Naifeh.

Passed first reading.

House Bill No. 1561 — To establish standards for life insurance reserves — By DeBerry, Naifeh and Love.

Passed first reading.

House Bill 1562 — To make provisions, nonforfeiture values of life insurance policies — By DeBerry and Naifeh.

Passed first reading.

House Bill No. 1563 — To make provisions, foster care review — By Deberry, Naifeh, Burnett (Fentress), Davidson (Robertson), Gill, Ellis and King.

Passed first reading.

House Bill No. 1564 — To make provisions, serological testing for syphilis — By DeBerry and Burnett (Fentress).

Passed first reading.

House Bill No. 1565 — To provide for supervision of insurance companies — By Lashlee, Burnett (Fentress), DeBerry, Fugua, Love and Kernell.

Passed first reading.

House Bill No. 1566 — To make certain provisions, permission to file cash surety bonds — By Lashlee, Work and Naifeh.

Passed first reading.

House Bill No. 1567 — To define county trustee duties, certain purchases — By Lashlee, Naifeh, Burnett (Fentress) and Work.

Passed first reading.

House Bill No. 1568 — To define elementary and middle schools — By Work, Lashlee and Naifeh.

Passed first reading.

HOUSE BILLS ON SECOND READING

House Bill No. 1537 — To make certain provisions, Housing Development Agency.

Passed second reading and referred to Committee on Commerce.

House Bill No. 1538 — To make certain provisions, bail warrant.

Passed second reading and referred to Committee on Judiciary.

House Bill No. 1539 — To make certain provisions, County Election Commissions and County Primary Boards.

Passed second reading and referred to Committee on State and Local Government.

House Bill No. 1540 — To amend Section 54-2514, Code.

Passed second reading and referred to Committee on Transportation.

House Bill No. 1541 — To provide appropriations for Memphis Museum of Music.

Passed second reading and referred to Committee on General Welfare.

House Bill No. 1542 — To make certain provisions, Wildlife Resources Commission.

Passed second reading and referred to Committee on Conservation and Environment.

House Bill No. 1543 — To designate official railroad museum of state.

Passed second reading and referred to Committee on General Welfare.

House Bill No. 1544 — To make certain provisions, salary of Wildlife Resources director.

Passed second reading and referred to Committee on Conservation and Environment.

House Bill No. 1545 — To make certain provisions, salary of Wildlife Resources director.

Passed second reading and referred to Committee on Conservation and Environment.

House Bill No. 1546 — To make certain provisions, requirements on deposits of state funds.

Passed second reading and referred to Committee on Commerce.

House Bill No. 1547 — To make certain provisions, liability for dog ownership.

Passed second reading and referred to committee on Judiciary.

House Bill No. 1548 — To require confirmation, Wildlife Resources appointments.

Passed second reading and referred to Committee on Conservation and Environment.

On motion of Ms. DeBerry, House Bill No. 1564 was withdrawn from the House.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Monday, January 16, 1978: Senate Bill No. 1347.

LANIER, Chairman.

STANDING COMMITTEE REPORT

Finance, Ways and Means

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: House Bill No. 904 and House Resolution No. 15 (with amendment).

JOHN BRAGG, Chairman.

Under the rules, House Bill No. 904 and House Resolution No. 15 were transmitted to the Committee on Calendar and Rules.

On motion of Mr. Burnett (Fentress), the House adjourned until 6:00 p.m., Monday, January 16, 1978.